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SUBJECT: Judicial Branch feels pressure, appreciates U.S. program support

REF: N/A

¶1. (SBU) Summary: On July 18, Ambassador lunched with key members of Argentina's judicial branch. They expressed deep appreciation for exchanges, speakers, and seminars which the Embassy has sponsored for the last six years. They described the stark need of the judicial branch in Argentina to enhance its professionalism, independence, resources and public image. Participants stressed that judicial independence is under pressure in Argentina, while judges struggle to keep up with a growing caseload with fewer judges and smaller budgets. End summary.

¶2. (SBU) Argentina's Association of Judges and Judicial Officials of the National Judiciary, a private professional organization of members of the judicial branch, invited Ambassador to lunch on July ¶18. Participants included senior federal judges and prosecutors as well as individuals working on innovative outreach programs such as the "Judges Go To School Program," which the embassy supports. Ambassador was accompanied by Luis Maria Palma, Embassy Cultural Affairs Specialist.

¶3. (SBU) The Ambassador spoke about the support the Embassy has provided in the area of judicial reform and strengthening democratic institutions. The judges expressed their gratitude for this support and talked about the necessity of preserving and increasing judicial independence, especially in view of the public image of the judiciary, which has a positive image of only 13 percent among the Argentine public. (A study published 30 July in La Nacion ranked Argentines second to last among Spanish speaking countries -- just ahead of Ecuador -- with only 11 percent of the public saying they have confidence in the justice system.) To achieve this goal, they emphasized the importance of making people aware of the way they work through such programs as "Judges Go To School" (which receives Embassy support), where judges visit schools to explain how they and their courts work. The Ambassador mentioned college and high school mock trial programs, which were developed in the U.S. for teaching young people about the judicial process and interesting them in careers in this field. The judges considered that a very important and useful way to help people understand the constraints and difficulties of their job.

¶4. (SBU) A key theme during the entire conversation was judicial independence. The judges and prosecutors described the current situation in Argentina as one in which the executive and its allies in Congress regularly exercise pressure on the judicial branch to achieve results that they desire, especially on politically sensitive cases. At the same time, they noted the new process to name judges has not moved rapidly leaving over 100 judicial slots vacant and budget resources have been cut significantly. These resource issues help account for the tremendous backlog in cases. Simple car accidents take years to even get to court, so many people never even consider using the judicial process, for example. This, in turn, harms the public image of the judiciary, which is already tainted by allegations of corruption from the era of President Menem.

¶5. (SBU) The judges noted that they and many of their colleagues are committed to reinforcing their independence, resisting pressures and rebuilding. As one said, we have a responsibility to look out for the rights of citizens that others neglect. He cited the mentally ill or elderly, as an instance where it is the courts that often step in to protect citizen rights, when no one else will. He and others also recalled the heartbreaking situations that took place during the 2001-2002 crises, when people's bank accounts were frozen, and the judiciary was asked to preserve the rights of more than 400,000 citizens and their life savings.

¶6. (U) Related to this topic, the Argentines talked about the value of the exchanges which the Embassy has arranged in recent years with U.S. judicial authorities and practitioners. One cited the relevance of the "Class Action" speaker program developed by the Embassy, and the necessity of enacting such a legal tool for new collective lawsuits on public issues such as the environment - like the current one about the very polluted "Riachuelo" river in Buenos Aires. One judge said Argentina could profit from learning from the U.S. experience and instituting an effective small claims court system.

¶7. (SBU) The judges noted that their branch was now in a very challenging position of dealing with the emotional issues surrounding pardons and trials of those accused of crimes against humanity during the 1970s and 80s. They said that there were serious constitutional issues at play as well as seeking justice for past ills, but the bottom line was that the judicial branch was feeling much pressure from all sides.

¶8. (SBU) Regarding the judicial backlog, several judges noted the big difference between the workload of the U.S. Supreme Court (which accepts less than 100 cases a year) and Argentina's (with a total workload of more than 36,000 cases).

¶9. (SBU) The judges talked about the "National Conference of Judges" (to take place in Salta from September 6-8, which will gather more than 500 judges from all around Argentina) as an important part of the effort to make the judicial branch more coherent and consistent in its practices. Embassy Cultural Assistant noted that the key subjects to be discussed during this Conference had also been consistently developed by the Embassy through "Justice Undergoing Change" since 2001: case management, court administration, improvement techniques using training and technology, court backlog, alternative dispute resolution mechanisms and judicial independence.

¶10. (U) Comment: The Embassy's multi-year investment in helping to strengthen Argentina's judicial sector is clearly much appreciated. Ambassador has heard much gratitude not only from this lunch group, but also from the President of the Supreme Court (who hopes to travel to Washington at the end of September to meet with Chief Justice Roberts), the Attorney General and dozens of judges and prosecutors. They clearly value drawing on the U.S. experience and best practices, and consistently express hope that we will continue and expand these programs.

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